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February 8, 2010

The Honorable Ron Clark
U.S. District Court, Eastern District of Texas
300 Willow Street, Suite 221
Beaumont, TX 77701

Re: Personal Audio, LLC .v Apple, Inc., et al.
Our File No.: 125158.0000

Dear Judge Clark:

At the case management conference, you requested each parties' top two case citations on whether Personal Audio's litigation counsel should be permitted to provide advice to Personal Audio, LLC and its reexamination counsel in connection with the *Inter Partes* reexamination petition filed by Apple.

Personal Audio provides the following two citations from this District:

Mirror Worlds, LLC, v. Apple, Inc., No. 6:08 CV 88, 2009 U.S. Dist. LEXIS 70092 (E.D. Tex. Aug. 11, 2009).

Document Generation Corp., v. Allscripts, LLC, No. 6:08-CV-479, 2009 U.S. Dist. LEXIS 52874 (E.D. Tex. June 23, 2009)

Notably, in Mirror Worlds, Judge Davis denied Apple the same request it makes in this case based on the patent holder's stipulation to the following conditions: (1) plaintiff's litigation counsel would not prosecute the reexamination, (2) plaintiff's counsel would not reveal defendant's confidential information to any reexamination counsel or agent, and (3) plaintiff's counsel may not use defendants' confidential information for any purpose other than litigation. Personal Audio, of course, agrees to abide by these safeguards as well.

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Please let me know if Personal Audio may provide any additional information on this issue.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

A handwritten signature in blue ink, appearing to read "C. Morton", with a long horizontal flourish extending to the right.

Cyrus A. Morton

CAM/cjs